

## **II. REMARKS REGARDING AMENDMENT TO THE CLAIMS.**

Claims 8-10 and 32 have been amended to overcome the objection under 37 CFR 1.75 (c) for depending from a multiple dependent claim. Claims 3, 14, 20 and 21 have been amended to overcome the rejections made under 35 U.S.C. §112, second paragraph, to more particularly point out and to distinctly claim the subject matter Applicant regards as the invention by clarifying that Claims 3, 14, 20 and 21 claim Markush groups, and by clarifying that Claim 20 (and Claim 9) claims a composition rather than a process. Claims 3, 9, 10, 14, 21 and 32 have been amended to overcome the rejections made under 35 U.S.C. §112 by properly describing Markush groups or omitting reference to Markush groups. Claims 9 and 20 have been amended to overcome the rejections made under 35 U.S.C. §112 by clarifying that only a composition is claimed. Finally, original Claims 5, 11, 17, 22, 23 and 24 were previously canceled.

No new matter has been added by the amendment of any Claim.

Presently pending Claims 1-4, 6-10, 12-16, 18-21, and 25-32, as amended, are believed to be in condition for allowance.

## **III. REPLY TO OBJECTION OF CLAIMS 8-10 AND 33 AND REJECTION OF CLAIMS 3, 9, 10, 14, 20, 21 and 33 UNDER 35 U.S.C. §112.**

Claims 8-10 and 33 have been objected to under 37 CFR 1.75 (c) for depending from a multiple dependent claim. There is no claim numbered 33 pending in the present application. Therefore, Applicant has assumed that the reference to "claim 33" in the Office Action is intended instead to refer to pending Claim 32. Applicant has replied to each objection and rejection of "claim 33" in the Office Action as though the objection or rejection was directed to

Claim 32. Claims 3, 9, 10, 14, 21 and 33 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention on the grounds the claims contain improper Markush language. Claims 3, 14, 20 and 21 have been rejected under 35 U.S.C. §112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

In reply Applicant has: (1) amended multiple dependent Claims 8-10 and 32 (as there is no claim 33) to not depend from another multiple dependent claim; (2) amended Claims 3, 9, 10, 14, 21 and 32 to properly describe Markush groups or to omit reference to Markush groups; and, (3) amended Claims 3, 14, 20 and 21 to more particularly point out and distinctly claim the subject matter which Applicant regards as the invention by clarifying that Claims 3, 14, 20 and 21 claim Markush groups, and by clarifying that Claim 20 (and Claim 9) claims a composition rather than a process.

For the foregoing reasons, it is submitted that presently pending Claims 1-4, 6-10, 12-16, 18-21, and 25-32 comply with 35 U.S.C. §112, and that the objection to Claims 8-10 and 32 and the rejection of Claims 3, 9, 10, 14, 20, 21 and 32 should be withdrawn.

#### **IV. REPLY TO PROVISIONAL NONSTATUTORY OBVIOUSNESS-TYPE DOUBLE PATENTING REJECTION OF CLAIMS 1-4, 6-10, 12-16, 18-21 and 25-33.**

Claims 1-4, 6-10, 12-16, 18-21 and 25-33 have been provisionally rejected over claims 1-19 of co-pending Application No. 10/714,296 and on the grounds that the terminal disclaimers submitted June 12, 2006 and August 23, 2006, were not signed by an attorney of record. It is

pointed out that on August 3, 2006, the undersigned became of record upon a request to be associated with customer numbers 23572 and 24129 made prior to June 12, 2006. Submitted herewith is a copy of the Notice of Customer Number Record Change mailed August 15, 2006, that reflects that the undersigned having Registration No. 41,718 is assigned to Customer Number 23572. Therefore, it is submitted that the undersigned is presently properly of record in this matter.

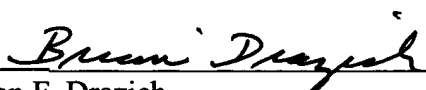
The Office Action mailed March 29, 2006, in the present Application No. 10/817,114 asserts, at page 3, lines 16-18, that "Although the conflicting claims are not identical, they are not patentably distinct from each other because the copending application is a species of the genus of the instant application." In reply, Applicant has accepted the Examiner's suggestion to file a terminal disclaimer as to Claims 1-4, 6-10, 12-16, 18-21 and 25-32 (as there is no claim 33). A terminal disclaimer in compliance with 37 CFR § 1.321(c) as to any patent granted on the present application is submitted and filed concurrently herewith. Accordingly, the provisional rejection of Claims 1-4, 6-10, 12-16, 18-21 and 25-32 (as there is no claim 33) under the nonstatutory doctrine of obviousness-type double patenting has been overcome and should be withdrawn.

**V. CONCLUSION.**

For the foregoing reasons, it is believed that the application is now in condition for allowance.

Respectfully submitted,

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